

Department of Planning and Budget 2002 Fiscal Impact Statement

1. **Bill Number:** SB61

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Watkins

3. **Committee :** Passed Both Houses

4. **Title:** Department of Professional and Occupational Regulation; Board for Professional Soil Scientists and Wetland Professionals; penalty

5. **Summary/Purpose:** The bill would create a new voluntary certification program for wetland delineators. The program would be combined with the existing Board for Professional Soil Scientists which would create the new Board for Professional Soil Scientists and Wetland Professionals. The number of Board members would increase from five to nine. In order to become a Virginia certified professional wetland delineator, a person would have to meet the educational and experience requirements required by the proposed and any regulations the Board may promulgate. Violation of the provisions of this legislation is a Class 1 misdemeanor.

6. **Fiscal Impact Estimates are:** Final

6a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2001-02	\$0	0.00	NGF
2002-03	\$3,400	0.00	NGF
2003-04	\$2,500	0.00	NGF

6b. Revenue Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2001-02	\$0	0.00	NGF
2002-03	\$0	0.00	NGF
2003-04	\$22,500	0.00	NGF

7. **Budget amendment necessary :** No. Then on general fund appropriation for the Department of Professional and Occupational Regulation can be increased administratively if necessary.

8. **Fiscal implications :** This bill creates a new category of regulation under the current operations of the Board for Soil Scientists. The regulatory program for Soil Scientists is already in place with about 100 licensees, and the agency is currently conducting all regulatory activities for that program. This legislation would increase the size of the Board from five member to nine members, and add about 150 regulants. Board member travel and per diem costs will increase by \$3,400 for four board meetings in the first year, and by \$2,500 for three board meetings annually in following years. The agency can absorb that small

additional cost within its current appropriation, and is not requesting additional funding. No additional positions are requested to expand the Board's responsibilities to include Wetland Delineators.

Revenues: In accordance with the provisions of Section 54.1 - 113 (Callahan Act) of the Code of Virginia, licensing fees will be established at rates adequate to support the Board's operating costs and a proportionate share of agency support costs. DPOR expects Wetland Delineator fees to provide additional revenue of approximately \$22,500 during fiscal year 2004, when applications for initial licensure would be received. Licenses are valid for a period of two years, so revenues from Wetland Delineator fees would be immaterial during fiscal year 2005. Renewal revenues would be approximately \$26,000 for fiscal year 2006, and for the second year of future biennia.

Costs to Regulators: Fees for Wetland Delineators are estimated to be similar to the current fees for Soil Scientists of \$150 for an original application and \$175 for license renewal.

9. Specific agency or political subdivisions affected: Department of Professional and Occupational Regulation

10. Technical amendment necessary: No

11. Other comments: Violation of the provisions of this legislation is a Class 1 misdemeanor. A Class 1 misdemeanor is punishable by up to 12 months in jail and a fine of not more than \$2,500. There is not enough information available to reliably estimate how many additional prisoners in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanor held in jail. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs, per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board, the total state support for local jails averaged \$30.94 per inmate, per day in FY 2000.

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